IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5337 of 2005

Between:

Gandapu Manjula, W/o. Dayakar Rao,
Vutukuru village, Vidavaluru Mandal,
Nellore Distict.

..... PETITIONER

AND

1 Joint Collector,Nellore District, Nellore.
2 Mandal Revenue officer, vidavaluru Mandal, Vidavaluru, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ , order or direction one more particularly in the nature of writ of Mandamus declaring the action of the 1st respondent in not entertaining the appeal filed by the petitioner on 21-02-2005 against the order of the 2nd respondent dt: 23-01-2005 in Rc. 41/05 and disposing of the stay petition filed on the said date along with the appeal by the petitioner seeking for stay of the order of the 2nd respondent for removal of aquaculture ponds and stoppage of aqua culture in an in extent of abut Ac. 7-07,1/ 4 th cts. belonging to the petitioner comprised in Survey Nos. 1220,1221,394, 123/4, 1222/ B situated in vutukuru village, Vidavaluru mandal, Nellore District as illegal , arbitrary and unjust and in violation of Art .14 & 21 of the constitution of India and consequently direct the 1st respondent to entertain the appeal filed by the petitioner and dispose of the stay petition and pass such other orders and further reliefs as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.M.VENKATA NARAYANA

Counsel for the Respondents.: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The 2nd respondent herein by order dated 23.01.2005 directed the petitioner to stop prawn culture being carried on by her in Survey Nos.1220, 1221, 394, 123/A and 1222/B situated in Vutukuru Village, Vidavaluru Mandal, Nellore District. Admittedly, the petitioner was not granted any permission for converting the said lands into prawn culture ponds. The petitioner states that subsequently, she made a representation before the Joint Collector, Nellore, on 22.02.2005 seeking permission to convert the lands into prawn culture ponds. It is also stated that the petitioner preferred an appeal before the Joint Collector, Nellore, against the order of the 2nd respondent dated 23.01.2005. Now, this writ petition is filed pleading that pending the said appeal before the 1st respondent, she may be permitted to continue the prawn culture.

I am afraid that such a relief cannot be granted, since admittedly the petitioner has not been accorded any permission as on today.

Accordingly, the writ petition is dismissed. However, it shall not preclude the 1st respondent to consider the application made by the petitioner, dated 22.02.2005, in accordance with law. No costs.

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16.03.2005

Jsu
To

1 Joint Collector,Nellore District, Nellore.
2 Mandal Revenue officer, vidavaluru Mandal, Vidavaluru, Nellore District.

3 2 CCs to the G.P. for Revenue, High Court Buildings, Hyderabad. (OUT)

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